

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

TROY D. WHITMORE,
a/k/a Don Gregerson,

Plaintiff,

vs.

S.A. GODINAZ, RANDY DAVIS,
DINTELMAN, GAETZ, SARAH
JOHNSON, KIMBERLY BUTLER,
BRADLEY, K DEEN, OFFICER
JOHNSON, FURLOW, and PICKERING,

Defendants.

Case No. 12-cv-0638-MJR

ORDER

REAGAN, District Judge:

In May 2012, Troy D. Whitmore (also known as Don Gregerson) filed this suit pursuant to 42 U.S.C. § 1983. In his Complaint, the plaintiff alleges that the defendants — all administration officials in the Illinois Department of Corrections (IDOC) or employees at Pinckneyville Correctional Center — violated his rights under the Eighth and Fourteenth Amendments to the U.S. Constitution. The plaintiff was incarcerated at Pinckneyville when he filed suit.

In early August 2012, the Court sent Mr. Whitmore a letter pertaining to this action, but the letter was returned as undeliverable because Whitmore was no longer at Pinckneyville. (Doc. 7). Plaintiff, who is under a continuing obligation to keep the Clerk and all parties informed of any changes in his address, was ordered to provide the Court with his current address or else face the dismissal of this action. (Doc. 8). Plaintiff was given until September 11, 2012, to provide his current location to the Court. (Doc. 8).

That date has passed and Whitmore has failed to provide his current address. As a result, this action is **DISMISSED** without prejudice for failure to prosecute his case. **FED. R. CIV. P. 41(b)**. *See generally Ladien v. Astrachan*, 128 F.3d 1051 (7th Cir. 1997); *Johnson v. Kamminga*, 34 F.3d 466 (7th Cir. 1994). *See also James v. McDonald's Corp.*, 417 F.3d 672, 681 (7th Cir. 2005) (under Rule 41(b) a “district court has the authority . . . to [dismiss a case] for lack of prosecution”).

Plaintiff's obligation to pay the filing fee for this action was incurred at the time the action was filed, thus the filing fee of \$350 remains due and payable. *See 28 U.S.C. § 1915(b)(1); Lucien v. Jockisch*, 133 F.3d 464, 467 (7th Cir. 1998). All pending motions are **DENIED** as **MOOT**. The Clerk's Office is **DIRECTED** to close the case.

IT IS SO ORDERED.

DATE: September 12, 2012

/s/ Michael J. Reagan
MICHAEL J. REAGAN
United States District Judge